

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV 391 878 071 US

Date of Deposit: September 22, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail PostOffice to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: MS PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Judy Calam

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Herman J. PEL et al.

Application No.: 10/522,389

Intl. Filing Date: July 25, 2003

For: GENES FROM PROPIONIBACTERIUM  
FREUDENREICHII ENCODING ENZYMES  
INVOLVED IN VITAMIN B12  
BIOSYNTHESIS

Confirmation No.: 8008

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

STATEMENT TO SUPPORT FILING AND SUBMISSION  
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825 AND §§ 1.52(e) AND 1.96(c)

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned hereby states that the contents of the computer readable version in CD-R format (labeled "CRF") of the Sequence Listing and the paper copy (pages 1-15) of the Sequence Listing, submitted in accordance with 37 C.F.R. §§ 1.821-1.825, § 1.52(e) and § 1.96(c), respectively, are the same. The submission includes no new matter.

Please note that Applicant has enclosed a compact disc labeled "CRF" and a paper copy of the Sequence Listing (pages 1-15). Applicant requests consideration and entry of the Sequence Listing paper copy and computer readable copy. Pursuant to 37 C.F.R. 1.77, please enter the paper copy of the Sequence Listing after the Abstract.

Listed below are the particulars of the compact disc containing the Sequence Listing:

1. Machine Format: IBM-PC
2. Operating System Compatibility: PC-DOS/MS-DOS
3. List of Files: Sequence Listing
4. Size in bytes: 40,960 bytes
5. Date of creation: September 22, 2005.

In the unlikely event that the Patent Office determines that an extension and/or other relief is required as a result of this statement, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due to our **Deposit account no. 03-1952** referencing **246152024900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September <sup>22</sup>\_\_, 2005

By: 

Carolyn A. Favorito  
Registration No. 39,183

Morrison & Foerster LLP  
3811 Valley Centre Drive,  
Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 570-5195  
Facsimile: (858) 720-5125